

House Bill 617 (AS PASSED HOUSE AND SENATE)

By: Representative Amerson of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Dahlonega, approved April 12, 1982
2 (Ga. L. 1982, p. 4354), as amended, so as to provide for election and terms of office of
3 subsequent mayors and councilmembers; to provide for submission of this Act for
4 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for
5 automatic repeal under certain circumstances; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L.
10 1982, p. 4354), as amended, is amended by striking Section 5.10 and inserting in its place
11 a new Section 5.10 to read as follows:

12 "SECTION 5.10.

13 Regular Elections.

14 (a) The mayor and councilmembers of the City of Dahlonega who are serving as such on
15 the effective date of this Act and any person selected to fill a vacancy in any such office
16 shall continue to serve as such members until the regular expiration of their respective
17 terms of office and upon the election and qualification of their respective successors. On
18 and after the effective date of this Act, the city council shall consist of six members all of
19 whom shall be elected at large as provided in this section and the mayor who is elected at
20 large as provided in this section.

21 (b) For purposes of electing members of the city council, the City of Dahlonega shall
22 consist of one election district with numbered posts 1, 2, 3, 4, 5, and 6. Each person
23 seeking election as a councilmember shall designate the post for which such person seeks
24 election.

(c) In order to be elected as a member of the city council from a council district, a person must receive a plurality of votes cast for that office in the entire city. At the time of qualifying for election as a member of the city council, each candidate for such office shall specify the post for which that person is a candidate. A person elected or appointed as a member of the city council must continue to reside in the city during that person's term of office or that office shall become vacant.

(d) The mayor may reside anywhere within the City of Dahlonega and, if elected, must receive a plurality of votes cast for that office in the entire city. The mayor must continue to reside within the city during that person's term of office or that office shall become vacant.

(e)(1) Larry Crowel, the member of the council elected at the November, 2001, general election, shall be designated to be serving from and representing Post 1.

(2) Guy Laboa, the member of the council elected at the November, 2001, general election, shall be designated to be serving from and representing Post 2.

(3) Dudley Owens, the member of the council elected at the November, 2001, general election, shall be designated to be serving from and representing Post 3.

(4) Michael Clemons, the member of the council elected at the November, 2003, general election, shall be designated to be serving from and representing Post 4.

(5) Bill Northquest, the member of the council elected at the November, 2003, general election, shall be designated to be serving from and representing Post 5.

(6) Terry Peters, the member of the council elected at the November, 2003, general election, shall be designated to be serving from and representing Post 6.

(7) The mayor and the members of the council representing Post 1, Post 2, and Post 3 shall be elected at the municipal general election on the Tuesday next following the first Monday in November, 2005, and quadrennially thereafter and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(8) The members of the council representing Post 4, Post 5, Post 6 shall be elected at the municipal general election on the Tuesday next following the first Monday in November, 2007, and quadrennially thereafter and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified."

SECTION 2.

The mayor and council of the City of Dahlonega shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with

the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval. If implementation of this Act is not permissible under the Voting Rights Act of 1965, as amended, on or before the date immediately preceding the day that qualifying commences for municipal offices to be elected for the City of Dahlonega in 2005, then, as of that date, this Act shall be void and shall stand repealed in its entirety.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.